

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DR. MUHAMMAD MIRZA and ALLIED
MEDICAL AND DIAGNOSTIC SERVICES,
LLC,

Plaintiffs,

v.

JOHN DOE #1 a/k/a John D., a Yelp.com user,
JOHN DOE #2 a/k/a Elizabeth M., a Yelp.com
user, JOHN DOE #3 a/k/a Robert R. a Yelp.com
user, JOHN DOE #4 a/k/a Zoe C., a Yelp.com
user, JOHN DOE #5 a/k/a Caroline P., a
Yelp.com user, JOHN DOE #6 a/k/a Yelena P.,
a Yelp.com user, JOHN DOE #7 a/k/a Lana W.,
a Yelp.com user, JOHN DOE #8 a/k/a Zin N., a
Yelp.com user, JOHN DOE #9 a/k/a Carly D., a
Yelp.com user,

Defendants.

Case No. 1:20-cv-09877-PGG-KNF

**DECLARATION OF
HAYMANT PARMANAND
IN SUPPORT OF PLAINTIFFS’
MOTION FOR EXPEDITED
DISCOVERY**

Haymant Parmanand declares under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am over 18 years of age and I am employed by the plaintiffs Dr. Muhammad Mirza and Allied Medical and Diagnostic Services, LLC (“Allied Medical” collectively with Dr. Muhammad Mirza, “Plaintiffs”).
2. I am the Digital Manager of Allied Medical. Allied Medical and Dr. Mirza are the plaintiffs in the above-captioned proceeding. I submit this declaration in support of Plaintiffs’ Motion for Expedited Discovery.
3. I have personal knowledge of all matters stated herein, or I am familiar with the facts and circumstances of the instant action based upon records and files maintained by Dr. Mirza and of Allied Medical.

4. In my role as Digital Manager, among other things, I develop, manage, and create content for the Allied Medical website. In addition, I also manage customer relations and digital marketing for Allied Medical.

5. Yelp.com, is a local business review and social networking site. The site has pages devoted to individual locations, such as restaurants, stores, and service providers, where Yelp users can discover and submit reviews to the businesses using a one to five star rating scale. In addition to writing reviews, users can react to reviews and directly transact with businesses by joining a waitlist or making a reservation.

6. Based on my experience dealing with Yelp.com, Yelp.com collects name, email address, password, and zip code when a user sign up for an account. Yelp.com provides guidance for creating a user account on the page accessible at https://www.yelp-support.com/article/How-do-I-sign-up-for-Yelp?l=en_US.

7. Upon the creation of an account, Yelp.com provides a profile page for the user, which displays the user's location information and review history among other information. As Yelp.com's customer support provides, accessible at https://www.yelp-support.com/article/How-can-I-change-the-primary-location-listed-on-my-user-account?l=en_US, the location information is provided by the user, as Yelp.com allows users to freely change their location listed on their account.

8. The location information provided by a user is also displayed along with the user's posted reviews. Upon information and belief, none of the Defendants reside in New Jersey based on the location information they provide.

9. Yelp.com allows users to use pseudonyms for posting their reviews. According to Yelp.com's customer support, accessible at <https://www.yelp-support.com/article/How-can-I->

[change-the-name-on-my-user-account?l=en_US](#), Yelp.com allows users to freely change their usernames, so individuals may provide false names to Yelp.com. Specifically, Yelp.com does not require a user to provide a real name unless for the “Elite Squad” service, which displays an “Elite” badge for qualified users next to their usernames. The “Elite Squad” only accepts qualified users that provide higher-quality reviews and have more dynamic interactions with each other and with businesses. All Defendants’ usernames are publicly displayed in the format of “[first name] + [initial of last name]” along with their reviews.

10. According to Yelp.com’s privacy policies, accessible at https://terms.yelp.com/privacy/en_us/20200101_en_us/, Yelp.com does not display users’ email addresses or other contact information for public viewing. However, Yelp.com tracks and stores mechanical information about users’ activity, including IP address and geolocation information.

11. On Yelp.com there are several pages that advertise the business of Allied Medical, and on which Yelp.com users have posted reviews about it. One of these pages is entitled “Mirza Aesthetics” is accessible at [https://www.yelp.com/biz/mirza-aesthetics-new-york-9?hrid=DGAHH0Lccny5Q6xdL25qaA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](https://www.yelp.com/biz/mirza-aesthetics-new-york-9?hrid=DGAHH0Lccny5Q6xdL25qaA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct)). Another is called “Mirza Aesthetics”, is accessible at [https://www.yelp.com/biz/mirza-aesthetics-new-york-6?hrid=GXEoln36Lr9RbgOBjfEfQ&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](https://www.yelp.com/biz/mirza-aesthetics-new-york-6?hrid=GXEoln36Lr9RbgOBjfEfQ&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct)). There is also another page entitled “Botox Juvederm Doctor” accessible at [https://www.yelp.com/biz/botox-juvederm-doctor-new-york?hrid=pDQvIc_0pZ4LGgU_vt8DA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=\(direct\)](https://www.yelp.com/biz/botox-juvederm-doctor-new-york?hrid=pDQvIc_0pZ4LGgU_vt8DA&utm_campaign=www_review_share_popup&utm_medium=copy_link&utm_source=(direct)).

12. Neither I, Dr. Mirza, or Allied Medical created the Yelp.com pages that advertise the business of Allied Medical, but I periodically monitor the pages. All of the Defendants' reviews identified in the Complaint are located across these three Yelp.com pages. I have read the reviews on Yelp.com authored by Defendants.

13. None of these posts nor the Defendants' profiles show any of the Defendants' full names or contact information, such as phone numbers, email addresses, or mailing addresses. Additionally, none of the Defendants are "Elite" users.

14. Despite diligent efforts, I have been unable to identify the true names of Defendants based on the information accessible to the public on Yelp.com. I attempted to match the name and location of the individual with the business records of Allied Medical, but it was not possible because (1) in some instances there are multiple people with the same first name and last initial combination; (2) not everyone writes a review contemporaneously with the service, so it is difficult to discern what person wrote what review; (3) the reviews do not always provide details of where the service was performed or what service was performed; and (4) not everyone uses their real name or location when posting.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on September 13, 2021 at Jersey City, New Jersey.

A handwritten signature in black ink, appearing to read "Haymant Parmanand", written over a horizontal line.

Haymant Parmanand